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BY ELECTRONIC FILING AND FIRST CLASS MAIL

The Honorable Michael A. Ponsor
United States District Court for the
District of Massachusetts
1550 Main Street
Springfield, MA 01103

Re: Plasse v. Tyco Electronics Corporation (04-CV-30056-MAP)

Dear Judge Ponsor:

I am writing on behalf of Tyco Electronics Corporation with respect to the Defendant's Renewed Motion to Dismiss Plaintiff's Complaint and for Sanctions, which is currently under advisement. We learned this week of a recent decision in a Massachusetts Superior Court case, *Covucci v. Keane Consulting Group, Inc.*, in which Justice Kottmyer dismissed the plaintiff's age discrimination and retaliation claims as an appropriate sanction for conduct which we believe is similar to that described in Defendant's motion in this matter. Judge Kottmyer appears to have analyzed the issue under both fraud on the court and spoliation of evidence case law.

Because of the relevance of the decision to the issue in this case, we respectfully enclose a copy of the decision for your consideration.

Sincerely yours,


Jeffrey D. Clements

cc: Maurice M. Cahillane, Esq.